

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TIMOTHY H. ROBINSON, SR.,)	
)	
Plaintiff,)	8:04CV584
)	
vs.)	ORDER
)	
UNUMPROVIDENT CORPORATION,)	
)	
Defendant.)	

This matter is before the court on the plaintiff's Motion for Extension (Filing No. 33). The plaintiff filed a motion for summary judgment on January 6, 2006, the deadline for such filings. **See** Filing No. 28. The plaintiff did not file a brief or any evidence in support of the motion for summary judgment. Similarly, the plaintiff did not file a brief or any evidence in support of the motion for leave. The plaintiff seeks to file a brief and evidence in support of the motion for summary judgment out of time on January 27, 2006. This will be the plaintiff's second extension of the deadline. The defendant has not objected to the plaintiff's motion for leave. However, the defendant did file a motion for summary judgment, with a brief and evidence on January 6, 2006. The court finds the parties will not be unduly prejudiced by a short extension of time for the plaintiff. Concurrently, the plaintiff may suffer injustice if leave were not granted. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion for Extension (Filing No. 33) is granted.
2. The plaintiff shall have to **on or before January 27, 2006**, to file a brief and an index of evidence in support of his motion for summary judgment (Filing No. 28). **See** NECivR 7.1 and 56.1. The defendant's response time shall be counted from the date the brief is filed. **See** NECivR 7.1(b)(1)(B) and 56.1(b). **No further extensions of the deadline will be granted. Failure to file a brief in the required time period will result in the plaintiff's motion for summary judgment to be deemed abandoned.**

DATED this 19th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge